

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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NORVELL THOMAS COLEMON,

Plaintiff,

v.

Case No. 05-C-0658

MARSHALL & ILLSLEY BANK and  
MT. PLEASANT POLICE DEPARTMENT,

Defendants.

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**ORDER**

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Plaintiff Norvell Thomas Colemon, who is proceeding *pro se*, filed a complaint and requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (PLRA), the plaintiff is required to pay the statutory filing fee of \$250.00 for this action. *See* 28 U.S.C. § 1915(b)(1).

By order dated June 23, 2005, the plaintiff was ordered to forward to the clerk of court by July 14, 2005, the sum of \$7.00 as an initial partial filing fee in this action. The plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed *in forma pauperis*. On July 18, 2005, the court granted plaintiff's motion for an extension of the partial filing fee deadline until August 4, 2005. Nevertheless, the plaintiff has not paid the partial filing fee. From this failure to pay the initial filing fee this court infers that the plaintiff no longer wants to prosecute this action. Therefore, the court will dismiss this case without prejudice.

**NOW, THEREFORE, IT IS ORDERED** that this action be and hereby is dismissed without prejudice for failure to prosecute.

**IT IS FURTHER ORDERED** that this dismissal will not be counted as a “strike” under 28 U.S.C. § 1915(g).

**IT IS ALSO ORDERED** that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated this   1st   day of September, 2005.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge